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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,786	06/20/2003	David M. Ogle	5577-263 (RSW920030046US)	5949
58505	7590	08/23/2006	EXAMINER	
STEVENS & SHOWALTER, L.L.P. BOX IBM 7019 CORPORATE WAY DAYTON, OH 45459-4238			ALPHONSE, FRITZ	
			ART UNIT	PAPER NUMBER
			2133	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,786

Applicant(s)

OGLE ET AL.

Examiner

Fritz Alphonse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-15 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility.

Particularly, as to independent claims 1 and 26, a useful result is not achieved under the practical application requirement. The claimed invention as a whole must produce a “useful, concrete and tangible” result to have a practical application.

2. Claims 1-15 and 26 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15 and 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, as to claims 1, 3-12, 14-17, 25-29, it is not clear to what it meant by “common situation format” disclosed in the claims.

In addition, the limitation “associated one” disclosed in claims 1 line 6 is indefinite.

As to claim 6, it is not clear to what it meant by the limitation "system based on sufficiently correlated ones" disclosed in line 11 of the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (U.S. Pat. No. 6,751,753) in view of Neufeld (U.S. Pat. No. 6,167,538).

As to claim 26, Nguyen (figs. 1-3) show a system for monitoring components of a system, including: means for associating status of at least one component of the system with one of a set of component independent predefined situation categories so as to provide the status of the at least one component in a common situation format that includes the associated one of the component independent predefined situation categories (col. 3, lines 5-47; col. 4, lines 4-16).

Nguyen does not explicitly disclose means for analyzing status of the system based on the common situation format representation of the component status.

However, in the same field of endeavor, Neufeld discloses a method and apparatus for monitoring components of a computer system including means for analyzing status of the system based on the common situation format representation of the component status (col. 4, lines 11-27).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to combine the monitoring system of Nguyen with the apparatus for monitoring

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components of a computer, as disclosed by Neufeld. Doing so would improve techniques for monitoring hardware resources of a computer system.

As to claims 27, Nguyen (figs. 1-3) discloses a system for generating status information for a component, including: means for obtaining component specific status information for the component (col. 2, lines 23-40); means for classifying the status information so as to identify the one of a set of component independent predefined situation categories based on the status information (col. 2, lines 3-14).

Nguyen does not explicitly disclose means for generating a common situation format representation of the status information based on the identified category. However, the limitation is obvious and well known in the art, as evidenced by Neufeld (col. 2, lines 1-16). See the motivation for the same reason disclosed in claim one above.

As to claims 28 and 29, Nguyen (figs. 1-3) discloses a computer program product for monitoring components of a system, comprising a computer readable medium having computer readable program code embodied, the computer readable program code comprising: computer readable program code configured to associate status of at least one component of the system with one of a set of component independent predefined situation categories so as to provide the status of the at least one component in a common situation format that includes the associated one of the component independent predefined situation categories (col. 2, lines 21-34, lines 64 through col. 3 line 17);

Neufeld does not explicitly disclose a computer readable program code configure to analyze status of the system based on the common situation format representation of the

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component status. However, the limitations are obvious and well known in the art, as evidenced by Neufeld (col. 4, lines 11-27). See the motivation above.

As to claims 1 and 16, method claims 1 and 16 correspond to apparatus claim 26; therefore, it is analyzed as previously discussed in claim 26 above.

As to claims 2-7, 17-23, Nguyen (figs. 1-3) show a method, wherein associating status of at least one component is carried out by the at least one component; the associating status of at least one component comprises: obtaining a status message from a component; classifying the status message based on the contents of the status message so as to identify the one of the set of component independent predefined situation categories; and generating a common situation format representation of the status message based on the identified category (col. 5, lines 25-61).

As to claims 8-15, the claims have substantially the limitations of claims 2-7; therefore, they are analyzed as previously discussed in claims 2-7 above.

As to claims 24-25, Nguyen (figs. 1-3) discloses a method, wherein obtaining component specific status information for the component, classifying the status information so as to identify the one of a set of component independent predefined situation categories based on the status information and generating a common situation format representation of the status information based on the identified category are carried out by the component (fig. 3; col. 4, lines 55 through col. 5 line 6).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

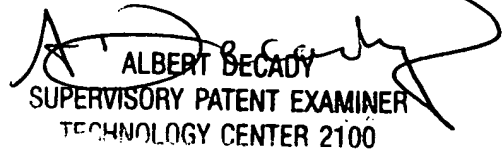
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fritz Alphonse

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August 19, 2006


ALBERT DECADY
SUPERVISORY PATENT EXAMINER
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